Supreme Court of Florida

HON. GERALDINE F. THOMPSON,

Petitioner,

v.

HON. RON DESANTIS,
in his official capacity as Governor of Florida,
and DANIEL E. NORDBY,
in his official capacity as Chair of the
Florida Supreme Court Nominating Commission.

Respondents.

GOVERNOR’S RESPONSE IN OPPOSITION
TO EMERGENCY PETITION FOR WRITS OF QUO WARRANTO AND MANDAMUS

Joseph W. Jacquot (FBN 189715)
  General Counsel
Nicholas A. Primrose (FBN 104804)
Kasey B. O’Connor (FBN 119579)
  Deputy General Counsel
Joshua E. Pratt (FBN 119347)
  Assistant General Counsel

Executive Office of the Governor
The Capitol, PL-05
Tallahassee, Florida 32399-0001
(850) 717-9310
Joe.Jacquot@eog.myflorida.com
Nicholas.Primrose@eog.myflorida.com
Kasey.O’Connor@eog.myflorida.com
Joshua.Pratt@eog.myflorida.com

Counsel for Governor Ron DeSantis
INDEX TO GOVERNOR DESANTIS’ APPENDIX

Pursuant to Florida Rule of Appellate Procedure 9.220, Governor DeSantis provides the following appendix in support of his Response to Emergency Petition for Writ of Quo Warranto:

<table>
<thead>
<tr>
<th>Description</th>
<th>Pages</th>
</tr>
</thead>
<tbody>
<tr>
<td>Executive Order 20-51, directing a Public Health Emergency (March 1, 2020)</td>
<td>3-6</td>
</tr>
<tr>
<td>Executive Order 20-52, declaring State of Emergency (March 8, 2020)</td>
<td>7-13</td>
</tr>
<tr>
<td>Sampling of letters of support</td>
<td>14-24</td>
</tr>
<tr>
<td>Historical Judicial Appointment Documents</td>
<td>25-37</td>
</tr>
</tbody>
</table>

CERTIFICATE OF SERVICE AND COMPLIANCE

I hereby certify that on this 3rd day of August, 2020, the foregoing was filed electronically via the Florida Court’s E-Filing Portal, which will send a copy of this filing to all counsel of record.

/s/ Nicholas A. Primrose
Attorney
WHEREAS, Coronavirus Disease 2019 (COVID-19) is a severe acute respiratory illness that can spread among humans through respiratory transmission and presents with symptoms similar to those of influenza; and

WHEREAS, in late 2019, a new and significant outbreak of COVID-19 emerged in China; and

WHEREAS, the World Health Organization declared COVID-19 a Public Health Emergency of International Concern; and

WHEREAS, in response to the recent COVID-19 outbreak in China, Iran, Italy and South Korea, the Centers for Disease Control and Prevention ("CDC") has deemed it necessary to prohibit or restrict non-essential travel to or from those countries; and

WHEREAS, in response to the recent COVID-19 outbreak in Japan, the CDC has advised older travelers and those with chronic medical conditions to avoid nonessential travel and all travelers to exercise enhanced precautions; and

WHEREAS, the CDC currently recommends community preparedness and everyday prevention measures be taken by all individuals and families in the United States, including voluntary home isolation when individuals are sick with respiratory symptoms, covering coughs and sneezes with a tissue and disposal of the tissue immediately thereafter, washing hands often with soap and water for at least 20 seconds, use of alcohol-based hand sanitizers with 60%-95%
alcohol if soap and water are not readily available and routinely cleaning frequently touched surfaces and objects to increase community resilience and readiness for responding to an outbreak; and

WHEREAS, two individuals in the State of Florida tested presumptively positive for COVID-19, including a resident of Manatee County and a resident of Hillsborough County; and

WHEREAS, the CDC currently recommends mitigation measures in communities with COVID-19 cases, including staying at home when sick, keeping away from others who are sick and staying at home when a household member is sick with respiratory disease symptoms or if instructed to do so by public health officials or a healthcare provider; and

WHEREAS, it is necessary and appropriate to take action to ensure that COVID-19 remains controlled and that residents and visitors in Florida remain safe and secure;

NOW, THEREFORE, I, RON DESANTIS, as Governor of Florida, by virtue of the authority vested in me by Article IV, Section (1)(a) of the Florida Constitution, and all other applicable laws, promulgate the following Executive Order to take immediate effect:

Section 1. Because of the foregoing conditions, I direct the State Health Officer and Surgeon General, Dr. Scott Rivkees, to declare a public health emergency in the State of Florida, pursuant to his authority in section 381.00315, Florida Statutes. The State Health Officer is authorized and directed to use his judgment as to the duration of this public health emergency.

Section 2. In accordance with section 381.0011(7), Florida Statutes, I direct the State Health Officer to take any action necessary to protect the public health.

Section 3. I direct the State Health Officer to follow the guidelines established by the CDC in establishing protocols to control the spread of COVID-19 and educate the public on prevention.
Section 4. In accordance with section 381.0011(7), Florida Statutes, I designate the Florida Department of Health as the lead state agency to coordinate emergency response activities among the various state agencies and local governments. The State Health Officer, or his designee, shall advise the Executive Office of the Governor on the implementation of these emergency response activities.

Section 5. All actions taken by the State Health Officer with respect to this emergency before the issuance of this Executive Order are ratified.

Section 6. The Florida Department of Health will actively monitor, at a minimum, all persons meeting the definition of a Person Under Investigation ("PUI") as defined by the CDC for COVID-19 for a period of at least 14 days or until the PUI tests negative for COVID-19. Active monitoring by the Florida Department of Health will include at least the following:

A. Risk assessment within 24 hours of learning an individual meets the criteria for a PUI.
B. Twice-daily temperature checks.

Section 7. The Florida Department of Health, pursuant to its authority in section 381.00315, Florida Statutes, will ensure that all individuals meeting the CDC’s definition of a PUI are isolated or quarantined for a period of 14 days or until the person tests negative for COVID-19.

Section 8. I hereby direct the Florida Department of Health to make its own determinations as to quarantine, isolation and other necessary public health interventions as permitted under Florida law.

Section 9. I direct all agencies under the direction of the Governor to fully cooperate with the Florida Department of Health, and any representative thereof in furtherance of this Order.
Agencies not under the direction of the Governor are requested to provide such assistance as is required.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed, at Tallahassee, this 1st day of March, 2020.

RON DESANTIS, GOVERNOR

ATTEST:

Laurel Lee
SECRETARY OF STATE
WHEREAS, Novel Coronavirus Disease 2019 (COVID-19) is a severe acute respiratory illness that can spread among humans through respiratory transmission and presents with symptoms similar to those of influenza; and

WHEREAS, in late 2019, a new and significant outbreak of COVID-19 emerged in China; and

WHEREAS, the World Health Organization previously declared COVID-19 a Public Health Emergency of International Concern; and

WHEREAS, in response to the recent COVID-19 outbreak in China, Iran, Italy, Japan and South Korea, the Centers for Disease Control and Prevention ("CDC") has deemed it necessary to prohibit or restrict non-essential travel to or from those countries; and

WHEREAS, on March 1, 2020, I issued Executive Order number 20-51 directing the Florida Department of Health to issue a Public Health Emergency; and

WHEREAS, on March 1, 2020, the State Surgeon General and State Health Officer declared a Public Health Emergency exists in the State of Florida as a result of COVID-19; and

WHEREAS, on March 7, 2020, I directed the Director of the Division of Emergency Management to activate the State Emergency Operations Center to Level 2 to provide coordination and response to the COVID-19 emergency; and

WHEREAS, as of March 9, 2020, eight counties in Florida have positive cases for COVID-19, and COVID-19 poses a risk to the entire state of Florida; and
WHEREAS, the CDC currently recommends community preparedness and everyday prevention measures be taken by all individuals and families in the United States, including voluntary home isolation when individuals are sick with respiratory symptoms, covering coughs and sneezes with a tissue and disposal of the tissue immediately thereafter, washing hands often with soap and water for at least 20 seconds, using of alcohol-based hand sanitizers with 60%-95% alcohol if soap and water are not readily available and routinely cleaning frequently touched surfaces and objects to increase community resilience and readiness for responding to an outbreak; and

WHEREAS, the CDC currently recommends mitigation measures for communities experiencing an outbreak including staying at home when sick, keeping away from others who are sick, limiting face-to-face contact with others as much as possible, consulting with your healthcare provider if individuals or members of a household are at high risk for COVID-19 complications, wearing a facemask if advised to do so by a healthcare provider or by a public health official, staying home when a household member is sick with respiratory disease symptoms if instructed to do so by public health officials or a health care provider; and

WHEREAS, as Governor, I am responsible for meeting the dangers presented to this state and its people by this emergency.

NOW, THEREFORE, I, RON DESANTIS, as Governor of Florida, by virtue of the authority vested in me by Article IV, Section (1)(a) of the Florida Constitution, Chapter 252, Florida Statutes, and all other applicable laws, promulgate the following Executive Order to take immediate effect:

Section 1. Because of the foregoing conditions, I declare a state of emergency exists in the State of Florida.
Section 2. I designate the Director of the Division of Emergency Management ("Director") as the State Coordinating Officer for the duration of this emergency and direct him to execute the State's Comprehensive Emergency Management Plan and other response, recovery, and mitigation plans necessary to cope with the emergency. Additionally, I designate the State Health Officer and Surgeon General as a Deputy State Coordinating Officer and State Incident Commander.

Pursuant to section 252.36(1)(a), Florida Statutes, I delegate to the State Coordinating Officer the authority to exercise those powers delineated in sections 252.36(5)-(10), Florida Statutes, which he shall exercise as needed to meet this emergency, subject to the limitations of section 252.33, Florida Statutes. In exercising the powers delegated by this Order, the State Coordinating Officer shall confer with the Governor to the fullest extent practicable. The State Coordinating Officer shall also have the authority to:

A. Seek direct assistance and enter into agreements with any and all agencies of the United States Government as may be needed to meet the emergency.

B. Designate additional Deputy State Coordinating Officers, as necessary.

C. Suspend the effect of any statute, rule, or order that would in any way prevent, hinder, or delay any mitigation, response, or recovery action necessary to cope with this emergency.

D. Enter orders as may be needed to implement any of the foregoing powers; however, the requirements of sections 252.46 and 120.54(4), Florida Statutes, do not apply to any such orders issued by the State Coordinating Officer; however, no such order shall remain in effect beyond the expiration of this Executive Order, to include any extension.

Section 3. I order the Adjutant General to activate the Florida National Guard, as needed, to deal with this emergency.
Section 4. I find that the special duties and responsibilities resting upon some State, regional, and local agencies and other governmental bodies in responding to the emergency may require them to suspend the application of the statutes, rules, ordinances, and orders they administer. Therefore, I issue the following authorizations:

A. Pursuant to section 252.36(1)(a), Florida Statutes, the Executive Office of the Governor may suspend all statutes and rules affecting budgeting to the extent necessary to provide budget authority for state agencies to cope with this emergency. The requirements of sections 252.46 and 120.54(4), Florida Statutes, do not apply to any such suspension issued by the Executive Office of the Governor; however, no such suspension shall remain in effect beyond the expiration of this Executive Order, to include any extension.

B. Each State agency may suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business or the orders or rules of that agency, if strict compliance with the provisions of any such statute, order, or rule would in any way prevent, hinder, or delay necessary action in coping with the emergency. This includes, but is not limited to, the authority to suspend any and all statutes, rules, ordinances, or orders which affect leasing, printing, purchasing, travel, and the condition of employment and the compensation of employees. For the purposes of this Executive Order, "necessary action in coping with the emergency" means any emergency mitigation, response, or recovery action: (1) prescribed in the State Comprehensive Emergency Management Plan ("CEMP"); or (2) ordered by the State Coordinating Officer. The requirements of sections 252.46 and 120.54, Florida Statutes, shall not apply to any such suspension issued by a State agency; however, no such suspension shall remain in effect beyond the expiration of this Executive Order, to include any extensions.
C. In accordance with section 465.0275, Florida Statutes, pharmacists may dispense up to a 30-day emergency prescription refill of maintenance medication to persons who reside in an area or county covered under this Executive Order and to emergency personnel who have been activated by their state and local agency but who do not reside in an area or county covered by this Executive Order.

D. In accordance with section 252.38, Florida Statutes, each political subdivision within the State of Florida may waive the procedures and formalities otherwise required of the political subdivision by law pertaining to:

1) Performance of public work and taking whatever prudent action is necessary to ensure the health, safety, and welfare of the community;

2) Entering into contracts; however, political subdivisions are cautioned against entering into time and materials contracts without ceiling as defined by 2 CFR 200.318(j) or cost plus percentage contracts as defined by 2 CFR 200.323(d);

3) Incurring obligations;

4) Employment of permanent and temporary workers;

5) Utilization of volunteer workers;

6) Rental of equipment;

7) Acquisition and distribution, with or without compensation, of supplies, materials, and facilities; and,

8) Appropriation and expenditure of public funds.

E. All State agencies responsible for the use of State buildings and facilities may close such buildings and facilities in those portions of the State affected by this emergency, to the extent necessary to meet this emergency. I direct each State agency to report the closure of any State
building or facility to the Secretary of the Department of Management Services. Under the authority contained in section 252.36, Florida Statutes, I direct each County to report the closure of any building or facility operated or maintained by the County or any political subdivision therein to the Secretary of the Department of Management Services. Furthermore, I direct the Secretary of the Department of Management Services to:

1) Maintain an accurate and up-to-date list of all such closures; and,

2) Provide that list daily to the State Coordinating Officer.

Section 5. I find that the demands placed upon the funds appropriated to the agencies of the State of Florida and to local agencies are unreasonably great and the funds currently available may be inadequate to pay the costs of coping with this emergency. In accordance with section 252.37(2), Florida Statutes, I direct that sufficient funds be made available, as needed, by transferring and expending moneys appropriated for other purposes, moneys from unappropriated surplus funds, or from the Budget Stabilization Fund.

Section 6. All State agencies entering emergency final orders or other final actions in response to this emergency shall advise the State Coordinating Officer contemporaneously or as soon as practicable.

Section 7. Medical professionals and workers, social workers, and counselors with good and valid professional licenses issued by states other than the State of Florida may render such services in Florida during this emergency for persons affected by this emergency with the condition that such services be rendered to such persons free of charge, and with the further condition that such services be rendered under the auspices of the American Red Cross or the Florida Department of Health.
Section 8. All activities taken by the Director of the Division of Emergency Management and the State Health Officer and Surgeon General with respect to this emergency before the issuance of this Executive Order are ratified. This Executive Order shall expire sixty days from this date unless extended.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed, at Tallahassee, this 9th day of March, 2020.

RON DESANTIS, GOVERNOR

ATTEST:

LAUREL K. LEE
SECRETARY OF STATE
Recommendation of Circuit Judge Renatha Francis to the Florida Supreme Court

From: JAMAICAN-AMERICAN BAR ASSOCIATION
Address: 2655 Lejeune Road, Suite 516, Coral Gables, Florida 33134
Telephone: 305-510-3870 Email: jamericanbar@aol.com
Type of Judicial Appointment: Florida Supreme Court
Court Vacancy: Florida Supreme Court
Name of Vacating Judge: Justice Robert Luck (at-large seat)
Name of Recommended Nominee: Judge Renatha S. Francis

Honorable Ron DeSantis, Governor of the State of Florida:

It is with great pleasure and enormous pride, that we address this letter to your office, supporting the candidacy of Judge Renatha Francis, for elevation to the Florida Supreme Court.

Since November 4, 2019, Judge Francis has presided over the Family and Probate Division in West Palm Beach, Florida, as a Circuit Court Judge. Prior to this posting, Judge Francis served as a Judge in the Criminal Division of Miami-Dade Circuit Court, presiding over first appearances. This was also after serving as a Judge of the Miami-Dade County court, hearing primarily civil matters. An accomplished practicing attorney before elevation to the Bench, Judge Francis served of counsel to the prestigious law firm of Shutts & Bowen in Miami, where she was a member of the Class Action and Mass Litigation Practice Group, representing major corporate clients.

Judge Francis has an extensive appellate background, having spent six years working as a staff attorney at the First District Court of Appeal. During her tenure there, Judge Francis supervised new attorneys and interns, while managing the day-to-day operations of Chambers. In addition to these duties, she also reviewed thousands of cases which varied in complexity and novelty and also in subject matters. Often requested to make recommendations on the outcome...
of cases to the panel of Judges and to draft opinions for review, her recommendations were almost invariably accepted by the panel of Judges. In other words, Judge Francis has the hands-on experience of performing the job of an Appellate Judge. Additionally, because of her strong work ethic and immense intellect, Judge Francis was then and remains to date, a highly regarded attorney (and now Judge) among her colleagues in the legal profession.

In addition to her work in the office and courtroom, Judge Francis has been actively engaged in the legal and civic community of Florida. On January 4, 2019, the Florida Supreme Court appointed her to serve on the Judicial Management Council – Workgroup on Appellate Review of County Court Decisions. The purpose of this appointment was to consider whether Circuit Courts should hear Appeals in panels and also to propose amendments to the Rules of Judicial Administration/Appellate Procedure / Appellate review process of County Court decisions, if necessary. Judge Francis has also been an active member of the Florida Association of Women Lawyers, (Tallahassee Chapter), where she led the Young Lawyers group and as member of the Community Service/Special Events and Judicial Nominating Commission Committees. In addition, she has served on the Women of Distinction State Judge Award Committee, a member of the American Appellate Inn of Court, the William Stafford Inn of Court, the Gwen S. Cherry Black Women Lawyers and the Dade County Bar Association, among other organizations.

While serving as a Circuit Judge in Miami-Dade County, Judge Francis would routinely host students and teachers in her courtroom, teaching them about the criminal justice system, and offering mentorship to the students. An articulate public speaker, Judge Francis has delivered many presentations, including at a College Commencement where she was the main speaker, at Galas, Conferences, and to members of various voluntary Bar Associations. Judge Francis earned her Juris Doctor Degree from Florida Coastal School of Law in Jacksonville, Florida, and her B.Sc., (magna cum laude), from the University of the West Indies in Kingston, Jamaica. Prior to her legal career, Judge Francis owned and operated two small businesses in Jamaica, while being a fulltime college student and raising a younger sibling.

The problem with a lack of diversity on the Florida bench has been well documented. (See, e.g., Eugene Pettis, Rx Warning: Quitting Diversity Too Soon May Result in Harmful
Relapse, Fla.B.J. Vol. 92, No. 6 [June 2018], with sources cited therein). Despite the fact that State Law mandates the Judiciary to reflect a level of racial, ethnic, and gender diversity that is representative of the State, figures from 2018 reflect that Florida’s bench continues to be primarily white, and male. In fact, almost 83% of Florida’s judicial bench is comprised of white males and there are only 7% of the Judiciary who are Black and not Hispanic. At the appellate level, it’s even worse with regards to a deficiency of racial diversity on the Appellate Benches.

Judge Francis can be part of the solution to this lack of diversity. She bears the distinction of being only the second black female, in the history of Miami-Dade County, to be appointed to the Circuit Court Bench. It is also worthy of note that her appointment came some twenty-five years after the first black female appointment. A first generation immigrant who was born in Jamaica, Judge Francis has the intellect, work ethic, and integrity to serve on our State’s highest Court. In addition to her superior qualifications, she will also bring the racial, ethnic, and gender diversity that is so greatly needed in Florida’s judiciary and that is also required by State Law. Ready to serve on day one, her nomination will epitomize your great judicial appointments to date.

Sincerely,

Samantha S. Parchment, Esq.

Samantha S. Parchment, Esquire.

President, Jamaican-American Bar Association
December 27, 2019

Recommendation of Circuit Judge Renatha Francis to the Florida Supreme Court

From: Mayor Dale V.C. Holness
Broward County
115 S. Andrews Avenue, Rm. 422
Ft. Lauderdale, FL 33301

Type of Judicial Appointment: Florida Supreme Court
Court Vacancy: Florida Supreme Court
Name of Vacating Judge: Justice Robert Luck (at-large seat)
Name of Recommended Nominee: Judge Renatha S. Francis

To: Chairman Daniel E. Nordby
Florida Supreme Court Judicial Nominating Commission
215 S. Monroe Street, Suite 804
Tallahassee, FL 32301

Dear Chairman Nordby,

It is with great pride and enthusiasm that I recommend Judge Renatha S. Francis to be your next nominee to the Florida Supreme Court.

Since November 4, 2019, Judge Francis has presided over the family/probate division as a circuit court judge in West Palm Beach. Prior to that, she served as both a circuit court and county court judge in Miami-Dade, presiding over first appearances, and civil cases, respectively. Prior to her judicial appointments, Judge Francis was Of Counsel at the prestigious law firm of Shutts & Bowen in Miami, where she was a member of the Class Action and Mass Litigation Practice Group, representing large corporate clients.

Judge Francis has an extensive appellate background, having spent six years at the First District Court of Appeal. Over the course of her tenure there, not only did Judge Francis supervise younger attorneys and interns, and manage the day-to-day operations of chambers, she also reviewed thousands of cases, all varying in complexity and novelty, and in different subject matters. She was routinely called upon to make recommendations to the panel of judges on the outcome of cases, and draft
opinions for review, and her recommendations were accepted by panel members almost all of the time. In other words, Judge Francis has the hands-on experience of doing the job of an appellate judge. Because of her strong work ethic and intellect, Judge Francis was, and remains, a highly regarded attorney (now judge) among her colleagues and former superiors.

In addition to her work, Judge Francis has been engaged in the legal and civic community. On January 4, 2019, The Florida Supreme Court appointed her to serve on the Judicial Management Council – Workgroup on Appellate Review of County Court Decisions, to, among other things, consider whether circuit courts should hear appeals in panels, and propose amendments to the Rules of Judicial Administration/Appellate Procedure/appellate review process of county court decisions, if necessary. She has been an active member of the Florida Association of Women Lawyers, Tallahassee Chapter, where she served as the Young Lawyers Chair, and as member of the Community Service/Special Events, and Judicial Nominating Commission Committees. She also served on the Women of Distinction State Judge Award Committee and has been a member of the American Appellate Inn of Court, William Stafford Inn of Court, Gwen S. Cherry Black Women Lawyers, The Dade County Bar Association, among other organizations. While a circuit judge in Miami-Dade, Judge Francis would routinely host students and teachers in her courtroom, teaching them about the criminal justice system, and offering to mentor them. She has given many speeches and presentations, including at a college commencement where she was the main speaker, at galas, conferences, and to members of the different voluntary Bar Associations. She earned her J.D. from Florida Coastal School of Law in Jacksonville, Florida, and her B.Sc., magna cum laude, from the University of the West Indies in Kingston, Jamaica. Prior to her legal career, Judge Francis simultaneously and successfully owned and operated two small businesses, all while being a fulltime student and raising a younger sibling.

The problem with a lack of diversity on the Florida bench has long been documented. See, e.g., Eugene Pettis, Rx Warning: Quitting Diversity Too Soon May Result in Harmful Relapse, Fla.B.J. Vol. 92, No. 6 (June 2018) (and sources cited therein). Despite the fact that state law mandates that the bench reflect the sort of racial, ethnic, and gender diversity that is representative of the State, figures from 2018 reflect that Florida’s bench is still white, and male; in fact, almost 83% of Florida’s judicial bench is populated by white males, and of the meager 7% that are Black Not Hispanic, when one controls for gender, the number is more dismal still.¹ At the appellate level, it is even worse.

Judge Francis is part of the solution to this lack of diversity. She bears the distinction of being only the second black female, in the history of Miami-Dade County, to be appointed to the circuit court bench, her appointment coming some twenty-five years after the first. And she is a first-generation immigrant – born in Jamaica. She has the intellect, work ethic, and integrity to serve on our State’s highest court. And in addition to her superior qualifications for the job at hand, she will bring the sort of diversity—racial, ethnic, and gender—that is so needed in Florida’s judiciary, and that state law mandates. She wants to serve, and her service will be a great benefit for the people of this great state.

I fully support her desire to serve at the highest level of our state courts. She will serve Florida well.

¹ Rx Warning, Figure 1.
Sincerely,

Dale V.C. Holness
Broward County Mayor

Cc: Members of the Florida Supreme Court Judicial Nominating Commission
    Governor Ron DeSantis
    Joe Jacquot, General Counsel
January 30, 2020

Transmitted via Electronic & U.S. Mail

The Honorable Ron DeSantis
Executive Office of Governor Ron DeSantis
400 South Monroe Street
Tallahassee, Florida 32399
Governor.ron.desantis@eog.myflorida.com

Re: Recommendation in support of Supreme Court Nominee, the Honorable Judge Renatha Francis

Dear Governor DeSantis:

On behalf of the Judicial Diversity Initiative¹ (JDI), we recommend Judge Renatha Francis for the position of Supreme Court Justice for the State of Florida. Since her initial appointment to the bench in 2017, Judge Francis has demonstrated that she is a qualified, impartial, and just jurist.

Since November 4, 2019, Judge Francis has served in the family/probate division as a circuit court judge in West Palm Beach. Prior to that, she served as both a circuit court and county court judge in Miami-Dade, presiding over first appearances and civil cases, respectively. In both circuits, Judge Francis showed herself to be a diligent and professional judge to attorneys and their clients alike. Prior to her judicial appointments, Judge Francis was Of Counsel at the prestigious law firm of Shutts & Bowen in Miami, where she was a member of the Class Action and Mass Litigation Practice Group, representing large corporate clients.

Judge Francis has a formidable appellate background, having spent six years at the First District Court of Appeal. Over the course of her tenure there, not only did Judge Francis supervise younger attorneys and interns, and manage the day-to-day operations of chambers, she also reviewed thousands of cases, all varying in complexity and novelty, and in different subject matters. She was routinely called upon to make recommendations to the panel of judges on the outcome of cases and draft opinions for review; her recommendations were accepted by panel members almost all of the time. In other words, Judge Francis has the hands-on experience of doing the job of an appellate judge. Because of her strong work ethic and intellect, Judge Francis was, and remains, a highly regarded attorney (now judge) among her colleagues and former superiors.

Judge Francis is also engaged in the legal and civic community. On January 4, 2019, the Florida Supreme Court appointed her to serve on the Judicial Management Council - Workgroup

¹ JDI is comprised of the Charles B. Morton Chapter of the National Black Prosecutors Association, the Caribbean Bar Association, F. Malcolm Cunningham, Sr. Bar Association, the Gwen S. Cherry Black Women Lawyers Association, the Haitian Lawyers Association, the T.J. Reddick Bar Association, Inc., the Wilkie D. Ferguson, Jr. Bar Association, representing Miami-Dade, Broward, and Palm Beach Counties.
on Appellate Review of County Court Decisions, to, among other things, consider whether circuit courts should hear appeals in panels and propose amendments to the Rules of Judicial Administration/appellate procedure/appellate review process of county court decisions, if necessary. She has been an active member of the Florida Association of Women Lawyers, Tallahassee Chapter, where she served as the Young Lawyers Chair and as member of the Community Service/Special Events and Judicial Nominating Commission Committees. She also has served on the Women of Distinction State Judge Award Committee and been a member of the American Appellate Inn of Court, William Stafford Inn of Court, Gwen S. Cherry Black Women Lawyers Association, and the Dade County Bar Association, among other organizations. While a circuit judge in Miami-Dade, Judge Francis would routinely host students and teachers in her courtroom, teaching them about the criminal justice system and offering to mentor them. She has given many speeches and presentations, including at a college commencement where she was the main speaker, at galas, conferences, and to members of the different voluntary bar associations, such as our organizations.

Judge Francis' elevations within the judicial branch have held a special importance for the South Florida Caribbean community, as she joins a long list of Caribbean immigrants who have sewn their own unique thread into the fabric of the American society and culture. Prior to her legal career, Judge Francis simultaneously and successfully owned and operated two small businesses in Jamaica, all while being a fulltime student and raising a younger sibling. She hails from the island of Jamaica where she attended Bridgeport Primary, St. Hugh's High for Girls, and obtained her B.Sc., magna cum laude, from the University of the West Indies in Kingston, Jamaica. She later earned her J.D. from Florida Coastal School of Law in Jacksonville, Florida. An appointment to the Supreme Court would be a fitting, ultimate elevation to an upstanding judge who embodies the American dream and inspires all around her.

We, therefore, join in support of the Judicial Nominating Commission’s nomination of Judge Renatha Francis to serve as a justice on the Supreme Court of Florida. We are certain that you will find Judge Francis impressive, her record consistent, and that she will be a long-serving asset to the highest court and the citizens of our great state.

Respectfully,
The Judicial Diversity Initiative

Loreal A. Arscott, President
Wilkie D. Ferguson, Jr. Bar Association
Tricia-Gaye Cotterell, President
Caribbean Bar Association

Brendalyn Edwards, President
Gwen S. Cherry Black Women Lawyers Association
Altanese Phenelus, President
Haitian Lawyers Association
Janice Haywood, President
T.J. Reddick Bar Association

Kristina Mills, President
National Black Prosecutors Association

c: General Counsel Joseph Jacquot,
Joe.Jacquot@eog.myflorida.com
Deputy General Counsel Nicholas Primrose,
Nicholas.Primrose@eog.myflorida.com

Danielle Sheriff, President
F. Malcolm Cunningham, Sr. Bar Association
January 31, 2020

The Honorable Ron DeSantis  
Governor, State of Florida  
Office of the Governor  
The Capitol  
Tallahassee, FL 32399

Dear Governor DeSantis,

The Judicial Nominating Commission has spoken with its recommendations to fill the two vacancies on the Florida Supreme Court. Judge Renatha Francis of the 15th Judicial Circuit in Palm Beach County is among the nine finalists by the Commission selected. We encourage you to consider her qualifications and appoint her as one of the two new justices to the high court.

Diversity on the bench matters, especially on the state’s highest court. As black attorneys serving in the Florida Legislature, we urge you to see this opportunity for what it is: a chance to appoint a qualified candidate who brings a different life experience and a diversity of thought to the court’s deliberations and decisions. Her appointment would send a positive message to Florida’s growing and diverse populace that their interests and values are recognized and represented.

Judge Francis met the qualifications for applying for the job, and she is obviously qualified in the eyes of the JNC that sent her name to you along with the other finalists. While she cannot technically serve on the court before September 24, that is a small detail when weighed against her overall qualifications and as a remedy to an all-white, predominantly male court.

We again urge you to see this opportunity for what it is: a chance to use your position to diversify the judiciary so that Florida’s 3.5 million black residents can see themselves represented on the state’s highest court. Appoint Judge Francis to the Florida Supreme Court.

Sincerely,

[Signature]

Representative Bruce Antone, Caucus Chair

Judicial Nominations Committee Members

[Signatures]
January 31, 2020

The Honorable Ron Desantis
Governor, State of Florida
Office of the Governor
The Capitol
Tallahassee, FL 32399

Dear Governor DeSantis,

The Judicial Nominating Commission has spoken with its recommendations to fill the two vacancies on the Florida Supreme Court. Judge Renatha Francis of the 15th Judicial Circuit in Palm Beach County is among the nine finalists by the Commission selected. We encourage you to consider her qualifications and appoint her as one of the two new justices to the high court.

Diversity on the bench matters, especially on the state’s highest court. As black attorneys serving in the Florida Legislature, we urge you to see this opportunity for what it is, a chance to appoint a qualified candidate who brings a different life experience and a diversity of thought to the court’s deliberations and decisions. Her appointment would send a positive message to Florida’s growing and diverse populace that their interests and values are recognized and represented.

Judge Francis met the qualifications for applying for the job, and she’s obviously qualified in the eyes of the JNC that sent her name to you along with the other finalists. While she can’t technically serve on the court before September 24, that is a small detail when weighed against her overall qualifications and as a remedy to an all-white, predominantly male court.

We again urge you to see this opportunity for what it is: a chance to use your position to diversify the judiciary so that Florida’s 3.5 million black residents can see themselves represented on the state’s highest court. Appoint Judge Francis to the Florida Supreme Court.

Sincerely,

Senator Perry E. Thurston Jr. Representative Kionne McGhee Representative Dottie Joseph Representative Bruce Antone

Florida Legislative Black Caucus

400 North Adams Street, Suite B • Tallahassee, Florida 32301 • Ph. (850) 224-0937 • Fax (850) 222-2296
TFLBC@Earthlink.Net

Governor DeSantis Response Appendix Page 24
December 20, 2016

The Honorable Rick Scott  
Governor of Florida  
The Capitol  
400 S. Monroe Street  
Tallahassee, FL 32399-0001

Dear Governor Scott:

I have had the honor and privilege of sitting as a judge on the Fifth District Court of Appeal for over eleven years and of serving as its chief judge since 2015. While I am grateful beyond words for the opportunity that you have afforded me with the recent appointment to the Florida Supreme Court, I now face the bittersweet duty of tendering my resignation as a judge of the Fifth District Court of Appeal, effective December 31, 2016, so that I can undertake my new responsibilities on that day.

Many years ago, I heard the words of author Herman Raucher: "[L]ife is made up of many comings and goings and for everything we take with us, we must leave something behind." I will be leaving behind a great institution that serves faithfully and diligently the people of the State of Florida by quietly administering justice effectively, efficiently and fairly. I will miss her legacy and traditions. But, most of all, I will miss her people and my frequent interaction with them – both her judges, my soon-to-be former colleagues, and the staff who work so hard to carry out her mission every day. I take great comfort in knowing the care and concern with which you, your General Counsel and his staff, and your Fifth DCA Judicial Nominating Commission will go about filling the vacancy now created by my resignation.

Sincerely,

C. Alan Lawson  
Chief Judge

cc: William N. Spicola, General Counsel to the Governor  
Fifth District Court of Appeal Judges and Staff
January 11, 2017

Mr. Michael Sasso
Chair – Fifth District Court of Appeal
Judicial Nominating Commission
Sasso & Sasso, P.A.
1031 W. Morse Boulevard, Suite 120
Winter Park, Florida 32789

Dear Mr. Sasso:

Governor Scott has directed me to request that you convene the Fifth District Court of Appeal Judicial Nominating Commission for the purpose of selecting and submitting to the Governor the names of highly qualified lawyers for appointment to the Fifth District Court of Appeal. This appointment is to fill the vacancy created by the appointment of Judge C. Alan Lawson to the Florida Supreme Court. The Governor strongly prefers submission of the maximum number of nominees (six) for the vacancy.

The Commission’s deadline for completion of this undertaking is Monday, March 13, 2017. The deadline is final as it includes the discretionary 30-day extension authorized by Article V, Section 11(c) of the Florida Constitution.

Administrative support for the Commission will be provided by the Governor’s Office, pursuant to section 43.291(7), Florida Statutes. This includes all essential administrative needs such as document distribution, public announcements and the like. JNC Coordinator Stephanie Nieset (850-717-9310; Stephanie.Nieset@cog.myflorida.com) will contact you to these ends.

The Commission’s expeditious handling of this matter is most appreciated. If I may be of assistance to you or the members of the Commission, please call me at (850) 717-9310.

Sincerely,

William N. Spicola
General Counsel

cc: The Honorable Jay P. Cohen
Chief Judge
March 8, 2017

Via U.S. Mail and E-mail
William N. Spicola, General Counsel
Executive Office of the Governor
400 S. Monroe Street, Room 209
Tallahassee, Florida 32399-6536

Re: Fifth District Court of Appeal Judicial Nominating Commission Nominations

Dear Mr. Spicola,

The Fifth District Court of Appeal Judicial Nominating Commission nominates the following six (6) candidates to fill the vacancy in the Fifth District Court of Appeal created by Justice C. Alan Lawson’s appointment to the Florida Supreme Court:

Honorable Alice L. Blackwell
Eric J. Eisnaugle, Esquire
Honorable John M. Harris
Margaret “Amie” Kozan, Esquire
Honorable Lisa T. Munyon
Honorable Randell H. Rowe

Very truly yours,

MICHAEL C. SASSO
Chairman

cc: Benjamin J. Gibson, Esquire, Executive Office of the Governor
Fifth District Court of Appeal Judicial Nominating Commissioners
May 19, 2017

The Honorable Kenneth W. Detzner
Secretary of State
State of Florida
R. A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Detzner:

Please be advised that on May 8, 2017, I made the following appointment:

Eric J. Eisnaugle

as a Judge of the Fifth District Court of Appeal, succeeding Judge C. Alan Lawson, for a term beginning May 30, 2017, through January 7, 2019.

Please prepare the necessary papers and mail to:

Mr. Eric J. Eisnaugle

Thank you for your assistance in this matter

Sincerely,

Rick Scott
Governor

RS/sn
I, Rick Scott, Governor of Florida, by virtue of the authority vested in me by the Constitution and Laws of this State, do hereby commission Eric J. Eisnaugle who was duly appointed to be Judge of the District Court of Appeal, Fifth Appellate District for a term beginning on the Thirtieth day of May, A.D., 2017, until the Seventh day of January, A.D., 2019, according to the Constitution and Laws of the State and in the Name of the People of the State of Florida to have, hold and exercise the said office, and all the powers and responsibilities appertaining thereto, and to receive the privileges and emoluments thereof in accordance with the law.

In Testimoni Whereof I do hereby set my hand and cause to be affixed the Great Seal of the State at Tallahassee, the Capital this the Thirtieth day of May, A.D. 2017, and of the Independence of the United States the Two Hundred and Forty-First year.

ATTEST:

[Signature]
Secretary of State

[Signature]
Governor of Florida
September 26, 2017

The Honorable Rick Scott
Governor
The Capitol
400 South Monroe Street
Tallahassee, FL 32399-0001

Re: Resignation from Office

Dear Governor Scott:

By this letter, I am notifying you that my last day of service as Judge of the Second District Court of Appeal will be October 31, 2017. In other words, I am resigning my position as Judge of the Second District Court of Appeal effective on October 31, 2017, at 11:59 p.m.

It has been a privilege for me to serve the people of the State of Florida on the Second District Court of Appeal.

Very truly yours,

Douglas A. Wallace

DAW:hac
cc: The Honorable Jorge Labarga, Chief Justice, Supreme Court of Florida
The Honorable Edward C. LaRose, Chief Judge, Second District Court of Appeal
Jacinda (Jo) Haynes, Marshal, Second District Court of Appeal
Ms. Cynthia Sullivan Oster  
Chair – Second District Court of Appeal  
Judicial Nominating Commission  
Hillsborough County Attorney  
601 East Kennedy Boulevard, Floor 27  
Tampa, Florida 33602

Dear Ms. Oster:

Governor Scott has directed me to request that you convene the Second District Court of Appeal Judicial Nominating Commission for the purpose of selecting and submitting to the Governor the names of highly qualified lawyers for appointment to the Second District Court of Appeal. This appointment is to fill the vacancy created by the constitutionally-mandated retirement of Judge Douglas A. Wallace. The Governor strongly prefers submission of the maximum number of nominees (six) for the vacancy.

The Commission’s deadline for completion of this undertaking is Monday, November 27, 2017. The deadline is final as it includes the discretionary 30-day extension authorized by Article V, Section 11(c) of the Florida Constitution.

Administrative support for the Commission will be provided by the Governor’s Office, pursuant to section 43.291(7), Florida Statutes. This includes all essential administrative needs such as document distribution, public announcements and the like. JNC Coordinator Stephanie Nieset (850-717-9310; Stephanie.Nieset@eog.myflorida.com) will contact you to these ends.

The Commission’s expeditious handling of this matter is most appreciated. If I may be of assistance to you or the members of the Commission, please call me at (850) 717-9310.

Sincerely,

Daniel E. Nordby
General Counsel

cc: The Honorable Edward C. LaRose  
Chief Judge
SECOND DISTRICT COURT OF APPEAL JUDICIAL NOMINATING COMMISSION

NOMINATIONS FOR SECOND DISTRICT COURT OF APPEAL VACANCY

The Second District Court of Appeal Judicial Nominating Commission is pleased to announce the following nominations for appointment to fill a judicial vacancy on the Second District Court of Appeal created by the constitutionally-mandated retirement of Judge Douglas A. Wallace:

The Honorable Michael F. Andrews
J. Andrew Atkinson
The Honorable Kimberly Carlton Bonner
Matthew J. Conigliaro
Suzanne Youmans Labrit
Stephen R. Senn

These nominations have been forwarded to Governor Rick Scott and are the result of the Commission’s deliberations on November 17, 2017 following interviews of all applicants. The Commission thanks all of those who participated in the nomination process. Input from the community by way of reference, recommendation or general information about the applicants is vital to the process, and is appreciated by the Commission.

For further information, please contact Cynthia Sullivan Oster, Chair, Second District Court of Appeal Judicial Nominating Commission, at (813) 307-3127 or osterc@hillsboroughcounty.org.
January 30, 2018

The Honorable Kenneth W. Detzner
Secretary of State
State of Florida
R. A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Detzner:

Please be advised that on January 19, 2018, I made the following appointment:

J. Andrew Atkinson

as a Judge of the Second District Court of Appeal, succeeding Judge Douglas A. Wallace, for a term beginning February 19, 2018, through January 5, 2021.

Please prepare the necessary papers and mail to:

Mr. J. Andrew Atkinson

Thank you for your assistance in this matter.

Sincerely,

Rick Scott
Governor

RS/sn
STATE OF FLORIDA

I, Rick Scott, Governor of Florida, by virtue of the authority vested in me by the Constitution and Laws of this State, do hereby commission

J. Andrew Atkinson

who was duly appointed to be

Judge of the District Court of Appeal, Second Appellate District

for a term beginning on the Nineteenth day of February, A.D., 2018, until the Fifth day of January, A.D., 2021, according to the Constitution and Laws of the State and in the Name of the People of the State of Florida to have, hold and exercise the said office, and all the powers and responsibilities appertaining thereto, and to receive the privileges and emoluments thereof in accordance with the law.

In Testimony Whereof, I do hereunto set my hand and cause to be affixed the Great Seal of the State, at Tallahassee, the Capital, this the First day of February, A.D. 2018, and of the Independence of the United States the Two Hundred and Forty-Second year.

ATTEST:

Secretary of State

Governor of Florida
Mr. Kurt S. Browning, Secretary  
Department of State  
R. A. Gray Building, Room 316  
500 South Bronough Street  
Tallahassee, Florida 32399-0250

Dear Secretary Browning:

Please be advised I have made the following appointment:

Harvey L. Jay III

as Circuit Judge of the Fourth Judicial Circuit, succeeding Frederick Tygart, for a term beginning July 1, 2012, and ending January 5, 2015.

Please prepare the necessary papers and mail to:

Mr. Harvey L. Jay III

Thank you for your assistance in this matter.

Sincerely,

Rick Scott  
Governor

RS/Im

THE CAPITOL  
TALLAHASSEE, FLORIDA 32399 • (850) 488-2272 • FAX (850) 922-4292
OATH OF OFFICE
(Art. II. § 5(b), Fla. Const.)

STATE OF FLORIDA
County of Duval

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida, that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

Judge of the Circuit Court, Fourth Judicial Circuit

(Title of Office)
on which I am now about to enter, so help me God.

[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]

Signature

Sworn to and subscribed before me this 29th day of November 2011

Signature of Officer Administering Oath or of Notary Public

Print, Type or Stamp Commissioned Name of Notary

Personally Known OR Produced Identification

Type of Identification Produced

ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address: ☑ Home ☐ Office

Harvey L. Jay, III

Print name as you desire commission issued

Signature

Governor DeSantis Response Appendix Page 36
In the Name and by the Authority of the

STATE OF FLORIDA

I, Rick Scott, Governor of Florida, by virtue of the authority vested in me
by the Constitution and Laws of this State, do hereby commission

Harvey L, Jay, III

who was duly appointed to be

Judge of the Circuit Court,
Fourth Judicial Circuit, Group Twenty-Two

for a term beginning on the First day of July, A.D., 2012, until the Fifth
day of January, A.D., 2015, according to the Constitution and Laws of the
State and in the Name of the People of the State of Florida to have, hold
and exercise the said office, and all the powers and responsibilities
appertaining thereto, and to receive the privileges and emoluments
thereof in accordance with the law.

In Testimony Whereof, I do hereunto set my hand
and cause to be affixed the Great Seal of the State,
at Tallahassee, the Capital, this the Seventh Day of
December, A.D. 2011, and of the Independence of
the United States the Two Hundred and Thirty-
Sixth year.

ATTEST:

Secretary of State

Governor of Florida